

REMARKS

In the Office Action, the Examiner rejected claims 6 and 18 through 22 under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1 and 2 were provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 1 of co-pending Application No. 10/854,140. Claims 7 through 22 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 3 through 18 of co-pending Application No. 10/854,140. Claims 7 and 8 were rejected under 35 U.S.C. 102(b) as being anticipated by Moses et al. in U.S. Patent No. 6,099,538 or Scheller Jr. et al. in U.S. Patent No. 4,265,231. Claims 3 through 5 were objected to as being dependent upon a rejected base claim but were otherwise allowable.

In response to the rejection under 35 U.S.C. 112, second paragraph, claim 6 and 18 through 22 have been cancelled. With respect to the rejection of claims 1 and 2 under 35 U.S.C. Section 101 as claiming the same invention as co-pending application Serial No. 10/854,140, claim 1 has been amended to incorporate the allowable subject matter of claim 3. Accordingly, claim 1 now differs from claim 1 of co-pending application No. 10/854,140 and the rejection under 35 U.S.C. section 101 should be withdrawn.

Claims 7 through 22 were provisionally rejected on the ground of obviousness type double patenting as being unpatentable over the claims of co-pending application Serial No. 10/854,140. A Terminal Disclaimer is submitted herewith with the requisite fee. Accordingly, the obviousness type double patenting rejection should be withdrawn.

The only rejection in view of prior art was the rejection of claims 7 and 8 as being anticipated by Moses et al. or Sheller, Jr. et al. In the absence of a prior art rejection of dependent claims 9, 10, 11, 14, 15 and 16, the subject matter of claim 7 has been incorporated into these dependent claims to make these claims independent and thereby avoid the rejection of claim 7.

Accordingly, in view of the filing of a Terminal Disclaimer, claims 1, 4, 5, and 9 through 17 should be in condition for allowance.

Based on the foregoing amendments and remarks, it is respectfully submitted that the claims in the present application, as they now stand, patentably distinguish over the references cited and applied by the Examiner and are, therefore, in condition for allowance. A Notice of Allowance is in order, and such favorable action and reconsideration are respectfully requested.

However, if after reviewing the above amendments and remarks, the Examiner has any questions or comments, he is cordially invited to contact the undersigned attorneys.

Respectfully submitted,

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